

(11)  
5-10-01  
Rf.

1983 FORM

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 USC § 1983JAMES Edward HellerIn the United States District  
Court for the Middle  
District of Pennsylvania**1 : CV01-0828**(Enter above the full name of  
the plaintiff or plaintiffs in  
this action)

vs.

RECEIVED  
SCRANTON

MAY 04 2001

PER dm

DEPUTY CLERK

FILED  
SCRANTON

MAY 10 2001

PER dm

DEPUTY CLERK

First names  
if availableSgt Doherty / c/o Robert Startc/o Kessler / Prime Care Medicalc/o Sofia / Gary McFarlandc/o Williams(Enter above the full name of  
the defendant or defendants  
in this action)

## I. Previous Lawsuits

- A. Have you begun other lawsuits in state or federal court
- 
- dealing with the same facts involved in this action or
- 
- otherwise relating to your imprisonment?

Yes \_\_\_ No ✓

- B. If your answer to A. is yes, describe each lawsuit in
- 
- the space below. (If there is more than one lawsuit,
- 
- describe the additional lawsuits on another piece of
- 
- paper, using the same outline).

D. If your answer is NO, explain why not: \_\_\_\_\_

### III. Parties

(In Item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any).

A. Name of plaintiff James Edward Heller

Address Monroe County Correctional Facility 4250 Menor Dr. Stracksburg PA 18368

(In Item B below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use item C for the names, positions, and places of employment of any additional defendants).

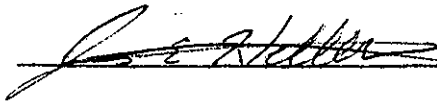
B. Defendant Sgt Doherty, (First name not available) is employed as Unit Commander on the 2nd Shift at Monroe County Correctional Facility

C. Additional Defendants: C/o Kesser, C/o Sofia, C/o Williams  
(First names not available) are Correctional Officers @ m.c.c.f.  
C/o Robert Start, Correctional Officer @ MCCF / Gary McFarland,  
Classification Coordinator @ MCCF. Prime Care Medical, provides  
medical treatment to inmates @ MCCF.

### IV. Statement of Claim:

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheet if necessary).

Signed this 23rd day of April,  
19 2001.

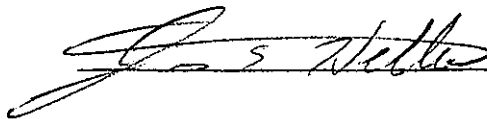


(Signature of plaintiff or  
plaintiffs)

Executed at Monroe County Correctional Facility  
(Name of institution, city, county)

I declare under penalty of perjury that the  
foregoing is true and correct.

Executed on April 23rd 2001  
(Date)



(Signature of plaintiff or  
plaintiffs)

**STATEMENT OF CLAIM**

On February 28, 2001 between the hours of 19:10 and 23:50 the following occurred:

19:10 ,Unit B C/O Sofia came to my cell to take to the visitation area for a visitation. C/O William's the officer in charge of B -Unit, instructed me to leave my cell door open. I complied. I was in the visitation area for 30 mins.. After my visit (19:40) C/O Kessler escorted me back from the visitation area, back to B-Unit,. At the time I left B-Unit with C/O Sofia, 3 inmates were in the B-Unit day room . Inmates Yost, Olsen and Herida. On the 25th of February I had a physical altercation with inmate Herida, giving him motive to go into my cell (B-16) and steal pictures of my family. C/O Kessler escorted me to my cell and removed my handcuffs and shackles, and exited my cell. At this time I noticed pictures on my desk were missing. I summoned C/O Williams to my cell, to question him about the missing pictures. C/O Williams said he did not know what happened to my pictures, and walked away. Another inmate (James Proctor) stated to me he saw Herida go into my cell and remove the pictures. Proctor continued on that Herida threw the pictures into inmate Kelly's cell, and Kelly flushed the pictures. Again, I summoned C/O Williams, and told him I suspected Hereida stole my pictures. He (C/O Williams) stated "That's not my problem, it's not my job to watch your cell." I told C/O Williams "You should watch your Unit and this stuff wouldn't happen". C/O Williams became quite angry and stated, "I'm not like the rest of these pussy C/O's. I will come in there and fuck you up." The fact that I was threatened by C/O Williams upset me. I began yelling at him and banging on my cell door. At this time C/O Robert Start asked me why I was yelling at C/O Williams. I told him about my pictures being stolen, and how C/O Williams threatened me. A few moments later C/O Sofia arrived on the Unit escorting another inmate from visitation. C/O Sofia joined C/O Williams and C/O Start in front of my door. C/O Sofia asked me if I wanted to talk to him about what was going on. I said "yes". C/O Sofia told me to sit on my bunk so he could open my door. I complied. C/O Sofia and C/O Start then entered my cell. I proceeded to explain in a

**STATEMENT OF CLAIM**

calm manner, to C/O Sofia how pictures were stolen from my desk while I was at visitation. I explained to him that C/O Williams acted as if it were no big deal, and then threatened me when I told him he should have been watching his Unit. C/O Williams then dropped the handcuffs and shackles he had in his hands, and lounged toward me with his fists balled as if he was going to hit me. I covered my head and tried to get out of the way. At that time C/O Start and C/O Sofia slammed me on my bunk. C/O Sofia held down my legs while C/O Start began striking me in the head and face area with a balled fist. Not at any time during this attack was I resisting. At one point I lifted my head to avoid from being struck and C/O Start stuck his finger or thumb in my right eye. Then C/O Kessler entered the cell and placed me on shackles, while C/O Start place me in handcuffs. C/O Start and C/O Sofia then dragged me to the intake area where I was stripped searched and placed in a holding cell. I asked the Unit Commander, (Sgt. Doherty) to be seen by the nurse. He (Sgt. Doherty) ignored my request. I suffered multiple abrasions and bruises to my face and a broken blood vessel in my right eye which caused blurry vision, and discomfort. At approximately 22:30 C/O Sofia escorted me from the intake area back B-Unit, and placed me in my cell. At 23:00 I asked C/O Williams to call the nurse because I was having trouble seeing out of my right eye and experiencing pain in my head and face area. C/O William's ignored my request. I then asked another inmate Joseph Cuevas to ask C/O Williams to call the nurse for me. Cuevas did so. C/O Williams responded "Why didn't he ask while he was in the intake area?" At this point I spoke up and said "I did " C/O Williams asked me who I asked. I told him I asked Sgt. Doherty. C/O Williams then called the nurse. The nurse then came into the Unit to hand out medication to other inmates, but refused to see me. C/O Williams told me to fill out a sick call request. I complied. C/O Williams told me I would have to wait to see the nurse until 1st shift at 00:30. I then asked inmate Dayton Labor who was in the B-Unit dayroom to contact my family, so they could in turn contact the State Police. Labor tried once, but was unable to get through. Labor was going to

### STATEMENT OF CLAIM

attempt to call a second time when C/O Williams informed him, he could not do so. C/O Williams stated to me "You can make your calls during your reaction time." I told C/O Williams I felt he was trying to cover up that I had been beaten up. I told him I planned on filling a grievance against him. C/O Williams replied "I will come in you cell, say you pushed me, kill you and get away with it. I will to a mental hospital for 6 months and you will be dead!!! I responded "Come try it". C/O Williams stated "better yet, I'm not going to pop your cell they will come in here. (referring to the other C/O's ) I will wait until you come out for reaction to get you." C/O Williams continued to boast to other inmates how he could "beat " me and get away with it. This was witnessed by inmate Cormen Crasenzo. At 00:05 on March 1st 2001 I was seen by the nurse who gave me an ice for my face and placed me on the list to see the doctor for my eye. At 10:00 am during my reaction time I contacted my mother Judy L. Herrmann. I told her what occurred, asked her to contact the State Police. She did so. But was told by them that I had to call and file the complaint. I filed an inmate request slip, requesting use the phone to do so, because the State Police don't accept collect calls. Gary Mc Farland allowed me to do so. I spoke to Trooper Sebastinelli, who came and took pictures of my face and wrote a report.

On March 9th I was brought in front of the Disciplinary Board. Sitting on the Board were, Sgt. Corbin, Jan Baton, and C/o Cardiello. I was charged with in house charges of Threats, Interfering with a staff member, Abusive Language to staff and Disobeying a direct order. Also Assault. These charges stemmed from the incident that occurred on Feb. 28th 2001. I was found not guilty of all charges except for Abusive Language and creating a minor Disturbance. I was sentenced to 14 days in the restricted housing Unit. (R.H.U.) .

## Relief

I James E. Heller ask the court to take strict disciplinary action against all the individuals named in my complaint. I also ask the court to order my transfer to another county facility until this complaint is resolved, for safety reasons. I fear that once these individuals are served with my complaint they will harm me again. Leaving me in this facility throughout these impending proceedings would place me in imminent danger of serious bodily injury. Also, I will be discriminated against and treated unfairly.

Thank You.